IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Scott A. Rawson	)	Group Art Unit: 3683
	)	
Application No.: 09/829,883	)	Examiner: Bradley T. King
	)	
Filed: April 10,2001	)	Appeal No.:
	)	
For: Vibration Isolation Member	)	Confirmation No.:

REPLY BRIEF UNDER 37 CFR 1.193(b)(1)

Commissioner for Patents
Alexandria, VA 22313

Sir:

This is a Reply Brief under 37 CFR 1.193(b)(1) in response to the Examiner's Answer dated 9/22/2005.

Appellant notes the Examiner's withdrawn rejection of the claims based on the combination of Nowak in view of Kubaugh. Appellant maintains the position and arguments as presented in the July 7, 2005 Appeal Brief, and herein responds to the (9) Grounds of Rejection and (10) Response to Argument in the 9/22/2005 Examiner's Answer regarding the rejection of Claims 1-2, 10-13, 17-18, and 20-21 under 35 U.S.C. 103(a) as unpatentable over Saurer (US# 2538658) in view of Nowak et al (US# 5116030).

The Examiner's Answer (9) Grounds of Rejection states that Saurer discloses a vibration isolator "consisting essentially of a single sole resilient member 3 constrained between the shroud segment inner surface and the inner member seat surface, said single resilient member having a cross section, said single resilient member bonded to said shroud angled segment inner surface and said inner member seat surface, wherein

said seat outer periphery diameter D' providing an interference with said shroud inner periphery diameter D" to prevent a separation of the vibration isolation member in the event of a failure of said single resilient member, wherein said single sole resilient member is the sole resilient member providing for isolation between the suspended body and the support structure."(at page 4, line 4-11, underline emphasis added) Such a statement of the disclosure of Saurer is false, incorrect, untrue, and clearly a misstatement of fact. As shown by Fig. 2 and 4 of Saurer the body 3 of resilient material is not bonded to the shroud angled segment inner surface. (See attached copy of Saurer (US# 2,538,658) Fig. 1-4 with handwritten highlights.) At column 3 lines 19-39 Saurer states "While, as previously stated, the concavo-convex body 3 or resilient material is bonded to the housing 1, this is not the case throughout the entire extent of their normally contacting surfaces, which is the state illustrated in Fig. 3. Instead, an annular area of said body lying directly beneath flange 5 of the housing and desirably extending outwardly therebeyond to the point where the flaring portion of the housing side wall merges with the cylindrical wall thereof (see Fig. 2), there is no bond between said body and housing. Accordingly, upon axial movement of member 2 in a downward direction, as viewed in Fig. 2 and 3, and resultant distortion of the body 3 of resilient material, the unbonded annular area of the latter will draw away from the adjacent inner surface of the housing to provide an encircling cavity between the main portion of body 3 and flange 5, in which air may flow and from which it may be expelled through a breather opening 10." Not only is the resilient material body 3 not bonded to the shroud angled segment inner surface, but the resilient material body 3 does not consist essentially of the resilient material only constrained between the shroud segment inner surface and the inner member seat surface. At column 3 lines 40-52 Saurer states "The mode of operation of the mounting will be readily apparent from the foregoing description of its construction. Under normal load the portion of the resilient body 3 which lies above the inwardly directed flange 5 of housing 1 will be subjected to a certain degree of compression and this is likewise true of the lower annular portion of said body which lies below the outwardly directed flange 6 on the axially movable member 2. Upon any increase in load or sudden downward impact being applied under

said member, the portions of the resilient body just referred to will be further compressed". Thus the portion of resilient material body 3 constrained between the shroud segment inner surface and the inner member seat surface is not the sole resilient member providing for isolation between the suspended body and the support structure, in that the portion of the resilient body 3 which lies above the inwardly directed flange 5 of housing 1 is subjected to a certain degree of compression and the lower annular portion of said resilient body which lies below the outwardly directed flange 6 on the axially movable member 2 is subjected to a certain degree of compression under normal load. The proposed combination of Nowak et al with Saurer does not make up for these inadequacies of Saurer's disclosure. Note Nowak similarly uses an additional resilient body portion (second elastomeric section 22) under compression to provide isolation between the suspended body and the support structure in addition to the resilient material body constrained between the shroud segment inner surface and the inner member seat surface, with the second elastomeric section 22 in FIGURE 3 under compression with a normal downward load of supported member 12 towards structure 14 such as shown in FIGURE 1A. Saurer and Nowak separately and combined, clearly teach providing for isolation between the suspended body and the support structure with resilient body portions in addition to the resilient material body portion constrained between the shroud segment inner surface and the inner member seat surface. In the proposed combination of Saurer and Nowak, the resilient material body portion constrained between the shroud segment inner surface and the inner member seat surface is not the sole resilient member providing for isolation between the suspended body and the support structure.

The Examiner's Answer (10) Response to Argument states that "Regarding Sauer in view of Nowak, it is noted that while an "anti-stick" composition is used, the elastomer is still bonded to the shroud with adhesive and remains bonded until a certain loading force is applied. See Sauer, column 4, lines 13-35. Therefore, the segment 5 is initially bonded to the elastomer." (at page 5, line 2-5, underline emphasis added) Such a statement of the disclosure of Saurer is incorrect and clearly a misstatement of fact.

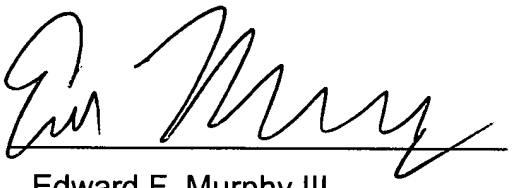
Sauer clearly teaches and discloses the difference between contacting of the resilient material 3 with the metal of housing 1 and bonding of the resilient material 3 to the metal of housing 1. Appellants note that both the present claims and Sauer clearly use the words bonded, bond, and bonding, with such meaning something different than contacted, contact and contacting. The shroud angled segment inner surface segment 5 of Sauer is not initially bonded to the elastomer. Just before this referenced column 4, lines 13-35 of Sauer, Sauer states that "As shown in Fig. 4, the portion of the inner surface of the housing 1 which serves to define the cavity to be formed has applied thereto a flux coating 12 which may consist of any known, so-called "anti-stick' composition for preventing adhesion of rubber to metal. A sheet of paper or of a suitable fabric, treated or untreated, cut to the proper shape may also be used." (column 4, lines 4-12). Just after this referenced column 4, lines 13-35 of Sauer, Sauer states that the resilient material which contacts the portion of the "inner surface of the housing to which flux coating 12 was applied will be free to draw away from such surface, the extent of the resulting cavity depending upon the degree of distortion or deflection to which the body 3 is subjected." Clearly Saurer does not teach bonding the resilient material body 3 to the said shroud angled segment inner surface shown in Fig. 4 to which the anti-stick flux coating 12 is applied to prevent bonding between the resilient material rubber and the shroud angled segment inner surface metal.

In addition to the error in stating that the resilient member is bonded to the shroud angled segment inner surface, the Examiner's Answer (10) Response to Argument admits that not all of the resilient member is constrained between the inner and outer members, and then states that "Regarding the unconstrained portions of Sauer, it is noted that the claims only require that the isolation member provide "substantially equal" dynamic stiffness in the radial and axial directions." Appellants strongly contend that this is an improper reading of the current claims, in that the current claims include the wording "wherein said single sole resilient member is the sole resilient member providing for isolation between the suspended body and the support structure" after setting out in the claim language that the single resilient member isolation member

consists essentially of a single sole resilient member constrained between the shroud angled segment inner surface and the inner member seat angled surface, said single resilient member bonded to said shroud angled segment inner surface and said inner member seat surface.

Appellants accordingly respectfully request withdrawal of the remaining 35 U.S.C. 103(a) rejection of the claims based on the combination of Saurer in view of Nowak, and issuance of a Notice of Allowance for the current claims.

Respectfully submitted,

By: 

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Date: November 21,2005

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PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	11

Application Number	09/829,883
Filing Date	April 10, 2001
First Named Inventor	Scott A. Rawson
Art Unit	3683
Examiner Name	Bradley T. King
Attorney Docket Number	IR-2819 (MFW)

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☑ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  1. Copy of Saurer (US Patent No. 2,538,658)
  2. Fig. 1-4 with handwritten highlights
  3. Post card of receipt

Remarks

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 12-2143.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LORD CORPORATION		
Signature			
Printed name	EDWARD F. MURPHY, III		
Date	November 21, 2005	Reg. No.	38,251

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name	Heather B. Caruso	Date	November 21, 2005